

FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.

ATTORNEYS AT LAW

707 Rio Grande, Suite 200

Austin, Texas 78701

(512) 469-6000 (512) 482-9346 (facsimile)

Info@LF-LawFirm.com

Of Counsel:

Richard Lowerre

March 10, 2016

Regional Freedom of Information Officer

U.S. EPA, Region 6

1445 Ross Avenue (6MD-OE)

Dallas, TX 75202-2733

(214) 665-7202

**Re: Freedom of Information Act Request regarding Aquifer exemptions**

This is a formal freedom of information act request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. On behalf of Kleberg County, I would like to request the public information described, below:

1. All documents relating to any aquifer exemption or consideration or reconsideration of any aquifer exemption for a portion of the Goliad Formation within Kleberg County, Texas from an Underground Injection Control program or similar program. This includes, but is not limited to, any documents related to the July 1, 1994 letter from Myron D. Knudson to Anthony C. Grigsby [attached as Plaintiffs Exhibit 2] and any communications or scientific data reviewed by anyone within EPA regarding this aquifer exemption before or after the date of this letter. This includes, but is not limited to, any documentation possessed or received by EPA indicating that this Goliad Formation "does not currently serve as a source of drinking water" or "it cannot be used as a drinking water source in the future because it is mineral producing or can be shown by a permit applicant to contain minerals that are expected to be commercially producible."
2. All documents relating to any later reconsideration or renewal of any aquifer exemption for any portion of the Goliad Formation within Kleberg County, Texas referenced in the July 1, 1994 letter from Myron D. Knudson to Anthony C. Grigsby [attached as Plaintiffs Exhibit 2]. This includes, but is not limited to, any communications to anyone at EPA about this matter.

3. All documents documenting, referencing, or relating to the recommendation [contained in Plaintiff's Exhibit 2, and attached to this letter] "that closer monitor well spacing and more frequent monitor well sampling be incorporated to PAA's that are in closer proximity to private water wells located in the buffer zone." This request includes, but is not limited to, any subsequent communications to or from anyone at EPA about this recommendation and any efforts by anyone at EPA to determine whether this recommendation has been followed.
4. All documents relating to any aquifer exemption in Kleberg County by the Texas Water Commission on or around December 20, 1989 in connection with URI permit UR02827.
5. All documents relating to any aquifer exemption in Kleberg County by the Texas Water Commission on or around June 1, 1987 in connection with URI permit UR02827.
6. Documents identifying any document retention policy applicable to any of the documents requested in this FOIA request. This includes, but is not limited to, any documents which define the dates or period of times each separate applicable retention policy is or was in effect.

If any of the public information that is requested in this request once existed but has since been destroyed, disposed of or not retained, please provide information identifying the date when these documents were destroyed, disposed of or not retained; identifying any specific authorization or decision to destroy, dispose of or not retain the document; identifying any schedule and document retention policies and practices that authorize or govern the retention or destruction of these documents.

It is not my intention to make this request unduly burdensome. If any of these documents are available to you in electronic format, please provide them to me in electronic format, such as e-mail, instead of producing a hard-copy.

This request does not include any confidential information protected by attorney-client or other exemptions to disclosure under the Freedom of Information Act. If any of the requested information is withheld due to an exception under the Act, please segregate the withheld information and provide the remaining documents to me until the Attorney General determines the availability of the withheld information.

In addition, I request a fee waiver of the costs to produce these documents. The requestor is a governmental unit of Texas whose purposes can only be the public interest. Specifically, the requestor is a party protestant to a TCEQ contested case hearing concerning permit UR-02827 and the potential contamination of groundwater within the

County by uranium mining operations conducted by URI. Kleberg County was granted party status in part because Kleberg County has statutory authority over groundwater pollution issues pursuant to Texas Water Code sex. 27.173 and Texas Health & Safety Code secs. 121.003(a), 341.013(c), and 341.092(d).

The residents of the County receive their drinking water from the Goliad aquifer. More than fifteen residents of Kleberg County are participating in this contested case hearing as parties and the uranium mining operations have been the subject of great local public interest. The matters sought will enhance the public's understanding of the quality of the drinking water in the Goliad aquifer and provide them with information relating to the impact of URI's mining operations on water quality. This information is vital to the public's knowledge of how uranium mining is regulated. And there could be nothing more essential to the public interest in Kleberg County than the quality and status of its groundwater. If a fee waiver is not possible, and if the cost of retrieving the documents is expected to exceed \$250.00, we would appreciate an estimate of the costs before the start of any duplication of documents.

Please contact me when these documents are available. If you have any questions, please do not hesitate to call or e-mail me. Thank you for your assistance in this matter.

Sincerely,

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Drew De Los Santos  
[drew@lf-lawfirm.com](mailto:drew@lf-lawfirm.com)

## PLAINTIFF EXHIBIT 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

July 1, 1994

REPLY TO: SW-SU

Mr. Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation  
Commission  
P.O. Box 13087  
Austin, TX 78711-3087

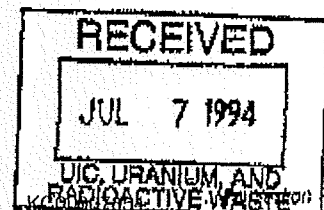
Dear Mr. Grigsby:

I am pleased to inform you of EPA approval of your request for an aquifer exemption extension for a portion of the Goliad Formation from the Underground Injection Control (UIC) program requirement that no fluid may be injected into an Underground Source of Drinking Water (USDW). This approval is based upon the criteria stipulated in 40 CFR §144.7(b) & (c)(1), §145.32, and §146.4 containing regulations allowing an aquifer to be exempted if: (a) It does not currently serve as a source of drinking water; and (b) it cannot be used as a drinking water source in the future because it is mineral producing or can be shown by a permit applicant to contain minerals that are expected to be commercially producible. This approval will allow injection for in-situ uranium mining only. If injection for other purposes (e.g. hazardous waste) is planned into this aquifer, additional approval will be needed.

The approved exempted portion of the aquifer underlies the Uranium Resources, Inc. Kingsville Dome Project in Kleberg County and is limited to the Upper Goliad Formation. A detailed description of the exempted portion of the aquifer remains in the exemption extension request and subsequent comment letters.

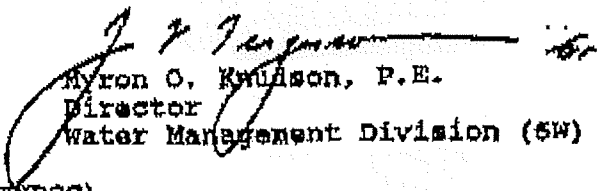
We recommend that in future Production Area Authorization (PAA) actions that closer monitor well spacing and more frequent monitor well sampling be incorporated in PAA's that are in closer proximity to private water wells located in the buffer zone.

a) Not  
drink  
b) con  
mit



2  
If you have any questions concerning this approval, please  
contact me or have your staff contact Brian Graves at (214)  
655-7193. Thank you for your continued cooperation.

Sincerely Yours,

  
Myron O. Knudson, P.E.  
Director  
Water Management Division (SW)

cc: Alice Hamilton Rogers (TNRCC)

(  
KC00007855

# TEXAS WATER COMMISSION



Permit - 1/11/90

## AN ORDER AMENDING AN ORDER DESIGNATING AN EXEMPTED AQUIFER IN KLEBERG COUNTY, TEXAS IN CONNECTION WITH URI, INC., PERMIT NO. URO2827

On the 14th day of December, 1989, the Texas Water Commission considered the request of URI, Inc. for an amendment to its Order designating an exempted aquifer covering the mining area authorized by Permit No. URO2827.

After considering the evidence and arguments presented, the Texas Water Commission makes the following Findings of Fact and Conclusions of Law:

### FINDINGS OF FACT

1. On June 1, 1987, the Texas Water Commission issued an Order designating an exempted aquifer in Kleberg County, Texas in connection with URI, Inc., Permit No. URO2827.
2. URI, Inc. has applied to the Texas Water Commission for an amendment to its permit to expand the permit area of Permit No. URO2827 from 547 to 2135 acres.
3. URI also requests an amendment to this aquifer exemption to cover this expanded area of 2135 acres.

### CONCLUSIONS OF LAW

1. The Texas Commission has jurisdiction to consider the requested aquifer exemption and is authorized to issue the requested exemption under Tex. Water Code Ann. Chapters 5 and 17 and 31 Tex. Ad. Code Section 331.13.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSION that based upon the Findings of Fact and Conclusions of Law stated above that:

1. Finding of Fact No. 4 is amended to read as follows:
  4. The proposed mining area lies with a 2,857 acre area that URI has leased for its mining operations, as shown on Figure 1, attached and incorporated as though fully set forth here.
    - a. The permit area covers 2,135 acres with ten currently designated mine areas.

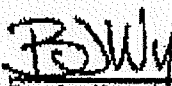
*Unlawful  
to grant  
Permit #  
Order permit  
into  
anyway  
Prohibit  
order*

- b. The production zone is in the upper Goliad Formations in the subsurface interval between 420 and 810 feet below mean sea level, as shown on Figure 2 attached hereto and incorporated herein.
2. Provision 1 of the decretal portion of the Aquifer Exemption Order on page 3 is amended to read:
1. The subsurface strata in the entire mining zone of the Kingsville Dome In situ Uranium Mining Project, as indicated on Figure 1, located in the Goliad Formation, ranging in elevations between 420 and 810 feet below the mean sea level, as indicated Figure 2 attached is hereby designated as an exempted aquifer pursuant to 31 Texas Administrative Code, Section 331.13.

The Chief Clerk of the Texas Water Commission shall forward a certified copy of this Order amending the order designating an exempted aquifer covering the mining area authorized by Permit No. UR02827.

Signed this 20th day of December, 1989.

TEXAS WATER COMMISSION

  
B. J. Wynne, III, Chairman

(SEAL)

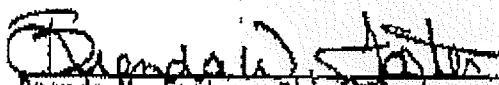
  
Brenda W. Foster, Chief Clerk



FIGURE 1

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# SCHEMATIC CROSS SECTION SHOWING PROPOSED EXEMPTED INTERVAL

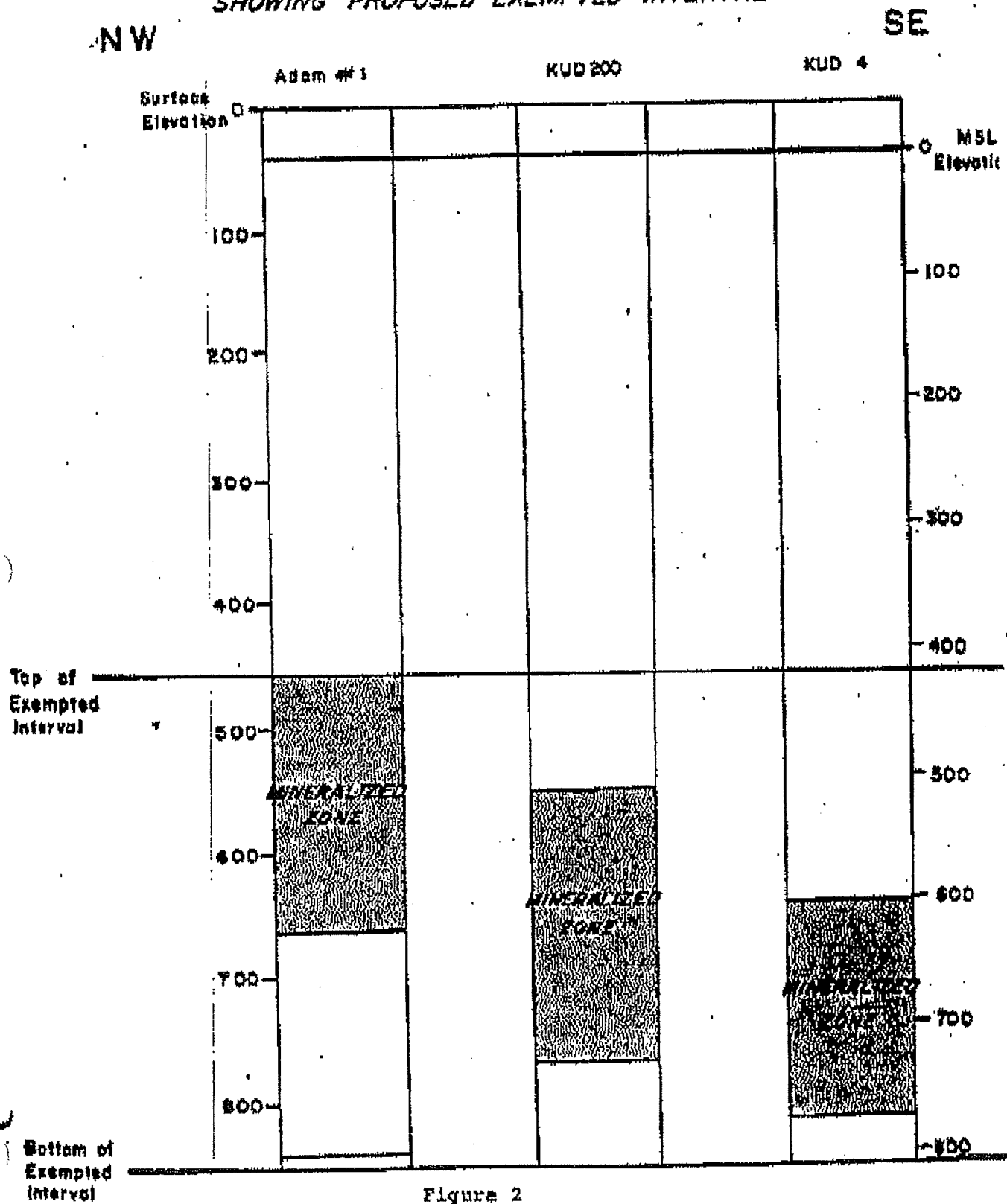


Figure 2